

Serial No.: 10/726,013
Docket No. 03043-1
FUS.064

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Application prior to August 26, 2003, the U. S. filing date of Utsugi.

Submitted herewith is a Declaration (unexecuted) under 37 C.F.R. 1.131 which evidences that the inventors of the claimed invention in the present Application **reduced to practice the invention as disclosed and claimed in the present Application, in Japan, prior to August 26, 2003, the U. S. filing date of Utsugi.** Therefore, Utsugi is not prior art against the claimed invention.

Applicant notes that the executed Declaration will be forwarded to the Examiner as soon as it becomes available to Applicant.

Therefore, Applicant submits that Utsugi does not teach or suggest each and every element of the claimed invention, and moreover, that Utsugi is not prior art against the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-23, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

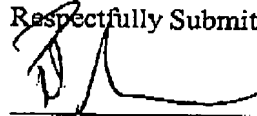
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: 10/15/07

Respectfully Submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment was filed by facsimile with the United States Patent and Trademark Office, Examiner Laura Weiner, Group Art Unit # 1745 at fax number (571) 273-8300 this 15th day of October, 2007.



Phillip E. Miller
Reg. No. 46,060